

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 Raul Horta-Castrejon,
5 Petitioner
6 v.
7 Jeff Sessions, et al.,
8 Respondents
9

2:17-cv-01567-JAD-NJK

Dismissal Order

[ECF No. 1]

10 Counseled petitioner Raul Horta-Castrejon brings this immigration habeas action under
11 28 U.S.C. § 2241, challenging his continued detention following a final administrative order that
12 he be deported from the United States. He also seeks a declaration of United States citizenship.¹
13 I deny the petition and dismiss this action without prejudice for lack of jurisdiction, just as I did
14 in the substantially similar habeas petition that Horta-Castrejon brought under an alias.²

15 Petitioner has been removed from the United States several times since 1989.³ While
16 here, he leads a life of crime and has been convicted on many occasions of possessing a
17 controlled substance and on at least one occasion of receiving stolen property.⁴ Petitioner's most
18 recent removal was in 2010, but undeterred, he reentered the country at some point because
19 United States Immigration Customs Enforcement (ICE) found him on January 16, 2012, in
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21 ¹ ECF No. 1 at 8.

22 ² Raul Horta-Castrejon also goes by Raul Matthews-Orta. He filed another petition for habeas
23 corpus relief under that name, asserting the same grounds for relief. *See Raul Matthews-Orta v.*
24 *Eric Holder*, case no. 2:14-cv-0185-JAD-PAL.

25 ³ These background facts are taken from the government's answer and are not in dispute. So I
26 generally cite to ECF No. 4 for them.

27 ⁴ ECF No. 4 at 6 n.8. Petitioner was convicted of possessing a controlled substance in 1991 and
28 1993; possessing a controlled substance for sale in 1994; and receiving stolen property and
possessing a controlled substance in 1997.

1 pretrial detention at the Clark County Detention Center after he was arrested yet again for
2 possessing a controlled substance. The next day, ICE reinstated (but didn't execute) a final order
3 of removal from 1998 and placed a detainer on petitioner while the criminal proceeding was
4 pending.

5 Petitioner challenged the removal order in this court (under the alias Raul Matthews-
6 Orta), asserting that he was—or should be—a United States citizen. I reviewed that petition, too,
7 and held that I lacked jurisdiction over it because “[t]he exclusive method for obtaining judicial
8 review of a final order of removal is a petition for review filed with the Court of Appeals.”⁵ Now
9 petitioner is back again (this time as Castrejon-Horta) challenging the same removal order.

10 As I explained in the prior action, the REAL ID Act⁶ prescribes “an appropriate court of
11 appeals” as the “sole and exclusive means for judicial review of an order of removal.”⁷ A
12 reinstatement order “qualifies as an order of removal that can only be challenged in a petition for
13 review filed directly with [the court of appeals].”⁸ Because petitioner is subject to a final
14 removal order—albeit a reinstated one—this court lacks jurisdiction to consider this habeas
15 corpus petition. Because I dismiss this action for want of jurisdiction, I do not reach the parties’
16 arguments on the merits.

17 Finally, I advise Horta-Castrejon and his counsel to review Local Rule LR 42-1(a), which
18 requires that a notice of related cases “whether active or terminated” be filed.⁹ Using a different
19 alias in a new proceeding does not excuse a party or his counsel from complying with the local
20 rule. Failure to comply with the local rules may result in sanctions. I also advise petitioner and
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22 ⁵ See *Matthews-Orta v. Holder*, 2:14-cv-01853-JAD-PAL, ECF No. 23 at 2.

23 ⁶ 8 U.S.C. § 1252(a)(5) and (b).

24 ⁷ *Id.*; see also *Flores-Torres v. Mukasey*, 548 F.3d 708, 710–11 (9th Cir. 2008); *Iasu v. Smith*,
25 511 F.3d 881 (9th Cir. 2007).

26 ⁸ *Morales-Izquierdo v. Dep’t of Homeland Sec.*, 600 F.3d 1076, 1081–82 (9th Cir. 2010) (citing 8
27 U.S.C. § 1252(a)(5)).

28 ⁹ L.R. 42-1(a).

1 his counsel that filing successive habeas petitions that have the same patent defect may also
2 result in sanctions.

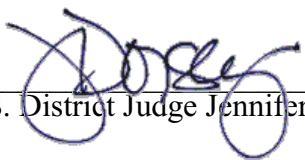
3 **Conclusion**

4 Accordingly, IT IS HEREBY ORDERED that Horta-Castrejon's petition for a writ of
5 habeas corpus **[ECF No. 1] is DENIED**, and this action is **DISMISSED** without prejudice.

6 IT IS FURTHER ORDERED that respondents' unopposed motion for leave to file a
7 surreply **[ECF No. 8] is DENIED as moot**.

8 The **Clerk of Court** is directed to **CLOSE THIS CASE**.

9 DATED: March 1, 2018.

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11 U.S. District Judge Jennifer A. Dorsey
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